

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**THIRTIETH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 5, 2008**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Gannon, absent and formally excused by the Chair; and Senators Burkett, Goedde, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Tyler Barton, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Goedde was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 4, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 5, 2008

The JUDICIARY AND RULES Committee reports that **S 1369, S 1370, S 1371, S 1372**, and **SCR 125** have been correctly printed.

DARRINGTON, Chairman

**S 1369, S 1370, S 1371**, and **S 1372** were referred to the Judiciary and Rules Committee.

On request by Senator McKenzie, granted by unanimous consent, **SCR 125** was referred to the State Affairs Committee.

February 4, 2008

The STATE AFFAIRS Committee reports out **S 1322** with the recommendation that it do pass.

MCKENZIE, Chairman

**S 1322** was filed for second reading.

February 4, 2008

The JUDICIARY AND RULES Committee reports out **S 1325, S 1326, S 1327, S 1328, S 1331, S 1333, S 1334, S 1335**, and **S 1336** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1325, S 1326, S 1327, S 1328, S 1331, S 1333, S 1334, S 1335**, and **S 1336** were filed for second reading.

February 4, 2008

The JUDICIARY AND RULES Committee reports out **S 1324** and **S 1329** with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1324** and **S 1329** were referred to the Fourteenth Order of Business, General Calendar.

February 4, 2008

The HEALTH AND WELFARE Committee reports out **H 361** and **H 362**, with Revised Statements of Purpose, with the recommendation that they do pass.

LODGE, Chairman

**H 361** and **H 362** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 4, 2008

Mr. President:

I transmit herewith **H 360, H 387, H 430, H 338, H 339**, and **H 366** which have passed the House.

ALEXANDER, Chief Clerk

**H 360, H 387, H 430, H 338, H 339**, and **H 366** were filed for first reading.

February 4, 2008

Mr. President:

I return herewith **S 1308** and **S 1309** which have passed the House.

ALEXANDER, Chief Clerk

**S 1308** and **S 1309** were referred to the Judiciary and Rules Committee for enrolling.

February 4, 2008

Mr. President:

I transmit herewith Enrolled **H 373** and **H 374** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 373** and **H 374** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1373**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1109, IDAHO CODE, TO PROVIDE FOR THE CONTROL OF PROPERTY LOSS AND DAMAGE BY GRIZZLY BEARS, TO PROVIDE FOR CONSULTATION WITH CERTAIN AGENCIES AND LANDUSERS PRIOR TO TRANSPLANTING OR RELOCATING ANY GRIZZLY BEAR, TO PROVIDE A PROCEDURE FOR THE REPORTING AND HANDLING OF CLAIMS RELATING TO CERTAIN DAMAGE OR DESTRUCTION CAUSED BY GRIZZLY BEARS AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

**S 1374**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**  
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1107, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONTROL OF DEPREDACTION OF BLACK BEAR, MOUNTAIN LION AND PREDATORS AND TO PROVIDE FOR THE CONTROL OF DEPREDACTION OF WOLVES.

**S 1375**

**BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO GROUND WATER; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3640, IDAHO CODE, TO PROVIDE A POLICY, TO PROVIDE FINDINGS, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN NATURALLY OCCURRING

CONSTITUENTS SHALL NOT BE CONSIDERED CONTAMINANTS, TO REQUIRE SPECIFIED ACTIONS TO PREVENT FURTHER CONTAMINATION UPON THE DISCOVERY OF CERTAIN CONTAMINATION EXCEEDING GROUND WATER STANDARDS AND TO PROVIDE THAT DESIGNATED EXISTING AUTHORITY SHALL REMAIN IN FULL FORCE AND EFFECT.

**S 1376**

**BY HEALTH AND WELFARE COMMITTEE**  
AN ACT

RELATING TO DAYCARE PROGRAMS; AMENDING SECTION 39-1101, IDAHO CODE, TO REVISE POLICY AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1102, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE ADDITIONAL TERMS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1103, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1104, IDAHO CODE, TO PROVIDE A MINIMUM DAYCARE OPERATOR AGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1105, IDAHO CODE, TO REVISE AN AGE FOR CRIMINAL HISTORY CHECKS FOR SPECIFIED INDIVIDUALS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1106, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1107, IDAHO CODE, TO REVISE LICENSE FEES AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1108, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1109, IDAHO CODE, TO REVISE FIRE SAFETY EQUIPMENT REQUIRED IN THE AREA OF THE DAYCARE FACILITY, TO PROVIDE FOR CERTAIN CHILD-STAFF RATIOS AND REQUIREMENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1110, IDAHO CODE, TO REVISE HEALTH STANDARDS, TO REQUIRE DAYCARE FACILITIES TO COMPLY WITH CERTAIN HEALTH STANDARDS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1113, IDAHO CODE, TO PROVIDE ADDITIONAL CRIMES PRECLUDING ELIGIBILITY FOR A LICENSE, TO PROVIDE GROUNDS FOR THE DENIAL, SUSPENSION OR REVOCATION OF A DAYCARE FACILITY LICENSE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1114, IDAHO CODE, TO REMOVE REQUIREMENTS FOR AVAILABILITY FOR INSPECTION OF FIRE INSPECTION CERTIFICATE AND CRIMINAL HISTORY CHECK, TO PERMIT INSPECTION OF FAMILY DAYCARE HOMES, TO REQUIRE FAMILY DAYCARE HOME PROVIDERS TO COMPLY WITH CERTAIN CRIMINAL HISTORY BACKGROUND PROVISIONS, TO REMOVE A GROUP DAYCARE FACILITY ELECTION FOR COMPLIANCE WITH CHAPTER PROVISIONS, TO PROVIDE CERTAIN DAYCARE PROVIDERS AN ELECTION FOR COMPLIANCE WITH CHAPTER PROVISIONS, AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1115, IDAHO CODE, TO PROVIDE A DAYCARE FACILITY A CERTAIN GRACE PERIOD TO OBTAIN A LICENSE, TO REMOVE A CRIMINAL SANCTION FOR OPERATING A GROUP DAYCARE FACILITY WITHOUT OBTAINING OR AFTER DENIAL OF CERTAIN CERTIFICATES, TO PROVIDE CRIMINAL SANCTIONS FOR

OPERATING A FAMILY DAYCARE HOME WITHOUT OBTAINING OR AFTER FAILURE TO PASS A CRIMINAL HISTORY BACKGROUND CHECK AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1116, IDAHO CODE, TO PROVIDE THE DUTY OF THE COUNTY PROSECUTING ATTORNEY TO PROSECUTE VIOLATIONS REGARDING FAMILY DAYCARE HOMES AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1117, IDAHO CODE, TO REMOVE A PROVISION REGARDING STATE OR POLITICAL SUBDIVISION AFFIRMANCE WITH CHAPTER PROVISIONS FOR GROUP DAYCARE FACILITIES TO WHICH A CERTIFICATE IS ISSUED AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1118, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-1119, IDAHO CODE, TO REVISE TRAINING HOUR REQUIREMENTS, TO PROVIDE CERTAIN LIMITATIONS ON ON-PREMISES TRAINING, TO REQUIRE AN ON-PREMISES ADULT WITH CERTAIN CERTIFICATION AND TO PROVIDE CORRECT TERMINOLOGY.

#### **S 1377**

#### **BY HEALTH AND WELFARE COMMITTEE AN ACT**

RELATING TO WHOLESALE DRUG DISTRIBUTION; AMENDING SECTION 54-1753, IDAHO CODE, TO PROVIDE FOR ADDITIONAL INFORMATION REQUIRED FOR LICENSURE AND TO REMOVE A BOND REQUIREMENT; TO REMOVE A REQUIREMENT TO ESTABLISH A FUND; AND DECLARING AN EMERGENCY.

**S 1373, S 1374, S 1375, S 1376, and S 1377** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 360 and H 387**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 430**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**H 338 and H 339**, by Transportation and Defense Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

**H 366**, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**H 424**, by Appropriations Committee, was read the second time at length and filed for third reading.

**S 1250, S 1251, and S 1253**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

**S 1349**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

#### **Third Reading of Bills**

Senators Burkett and Stegner were recorded present at this order of business.

The President Pro Tempore announced that **H 341**, having previously been read the third time at length, debate having previously been opened, and having been held, was before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and re-opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 341** passed, title was approved, and the bill ordered returned to the House.

**H 343** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 343** passed, title was approved, and the bill ordered returned to the House.

**H 344** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 344** passed, title was approved, and the bill ordered returned to the House.

**H 345** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 345** passed, title was approved, and the bill ordered returned to the House.

**H 346** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 346** passed, title was approved, and the bill ordered returned to the House.

**S 1358** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1358** passed, title was approved, and the bill ordered transmitted to the House.

**S 1306** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1306** passed, title was approved, and the bill ordered transmitted to the House.

**S 1307** was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Sagness arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Gannon. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1307** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, **H 355** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Hammond, granted by unanimous consent, **S 1340** and **S 1341** retained their place on the Third Reading Calendar for one legislative day.

**S 1342** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Fulcher, Geddes, Goedde, Hammond, Heinrich, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 30.

NAYS--Davis, Hill, Jorgenson. Total - 3.

Absent and excused--Burkett, Gannon. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1342** passed, title was approved, and the bill ordered transmitted to the House.

**S 1343** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, **S 1343** retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 11 a.m., Wednesday, February 6, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary